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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
JACOB, AJITH				
ART UNIT		PAPER NUMBER		
2161				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/567,921

Applicant(s)

KURITA, TARO

Examiner

AJITH JACOB

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kryloff et al. (US 2003/0028867 A1).

For claim 1, Kryloff et al. teaches:

A mobile phone, comprising:

a communication section configured to transmit/receive data through a wireless or wired transmission path [network connection, 0041];

data processing section configured to process the data transmitted/received by the communication section [data compressing process, 0022];

a memory space in which a file processed by the data processing section is arranged [data stored in memory, 0018]; and

archive-file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file [archived patch file detecting location to patch to, 0023] so that the archive file can be decompressed only at the destination terminal specified by the identification information [digital certificates and lds to prevent unauthorized users from extracting file, 0024-0025]; and

means for generating, in the memory space, an access management information file that includes a counter value indicating a maximum number of times that the archive file can be accessed [sequenced access and only accessed if necessary, 0023].

For claim 2, Kryloff et al. teaches:

The mobile phone according to claim 1, further comprising access management means for managing access to the at least one file whose archive file was created [automatically managed access to the archived file, 0023].

For claim 3, Kryloff et al. teaches:

The mobile phone according to claim 2, further comprising file-link designating means for designating a link of files to be simultaneously opened [self-extraction of ZIP file, 0023],

wherein the file associating designating means generates a file-link designating file that designates a link between the at least one file whose archive file was created and an access management information file in which access management information for the at least one file is described [digital signature and security for validated access, 0016], and

when the at least one file whose archive file was created is accessed, the access management means simultaneously opens the access management file, performs access management in accordance with the access management information, and updates content of the access management information [determine patching based on intelligence, 0017].

For claim 5, Kryloff et al. teaches:

The mobile phone according to claim 1, wherein the memory space employs a directory structure [memory uses multiple lists, 0021], and

the archive-file creating means creates an archive file for a directory to be backed up, wherein identification information of a destination terminal at which the archive file for the directory is to be decompressed is attached to the archive file [combining and compressing files to form archive file, 0021-0023].

Claim 6 is a method of claim 1. Kryloff et al. teaches the limitations of claim 1 for the reasons stated above.

Claim 7 is a method of claim 2. Kryloff et al. teaches the limitations of claim 2 for the reasons stated above.

Claim 8 is a method of claim 3. Kryloff et al. teaches the limitations of claim 3 for the reasons stated above.

Claim 10 is a method of claim 5. Kryloff et al. teaches the limitations of claim 5 for the reasons stated above.

For claim 11, Kryloff et al. teaches:

The mobile phone of claim 1, further comprising:
means for authenticating the access management information file using an independent key different from a symmetric key used to authenticate the archive file [encrypt and authenticate, 0016].

For claim 12, Kryloff et al. teaches:

The mobile phone of claim 1, further comprising:

means for simultaneously authenticating the archive file and the access management information file [encryption and authentication done in tandem, 0016].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kryloff et al. as set forth above against claims 1-3 above, and in view of Martschitsch et al. (US 6,223,026 B1).

As per claim 3, Kryloff et al. discloses the file associating designating means designates a link between a file whose archive file was created and an access management information file in which access management information for the file is described [digital signature and security for validated access, 0016], but does not teach a counter value during creation of archive file and counter update while information file is opened.

Martschitsch et al. teaches the existence of a counter for a SIM card to add up charges while accessed [column 1, lines 31-44].

Kryloff et al. (US 2003/0028867 A1) and Martschitsch et al. (US 6,223,026 B1) are analogous art because they are from the same field of endeavor of storing decompressed data on IC cards.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the access management information file by Kryloff et al. and add a counter as taught by Martschitsch et al.

The motivation for doing so would be "to provide an improved mobile subscriber identification card" [column 2, lines 3-12] by implementing an access counter on the card.

Therefore, it would have been obvious to combine Kryloff et al. (US 2003/0028867 A1) with Martschitsch et al. (US 6,223,026 B1) for providing a counter within the access management information system.

Claim 9 is a method of claim 4. Kryloff et al. teaches the limitations of claim 4 for the reasons stated above.

Response to Arguments

5. Applicant's arguments filed December 4, 2008 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

Applicant argues that Kryloff et al. (US 2003/0028867 A1) fails to disclose archive file creating means for creating an archive file for at least one file backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be decompressed only at the destination terminal specified by the identification information.

For claim 1, "the archive file can be decompressed only at the destination terminal specified by the identification information" is taught by paragraphs 0024-0025 as referred in the 102 rejection above. The paragraphs mentioned teaches the availability of digital certificates, IDs and other forms of authentication that prevents unauthorized users from accessing the files to be extracted. Paragraph 0025 teaches the extraction at the user end once the identification is authenticated. This is also clearly portrayed in Figure 13 of the Kryloff reference.

Applicant also argues that in the Martschitsch et al. (US 6,223,026 B1) reference, the counting is incremented instead of decremented. Since the counter in the reference and the instant application does the same function of counting [column 1, lines 31-44], the argument is moot.

In light of the forgoing arguments, the 35 U.S.C. 102 and 103 rejections are hereby sustained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajith Jacob whose telephone number is 571-270-1763. The examiner can normally be reached on M-F 7:30-5:00 EST, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/15/2009

AJ
Patent Examiner

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161